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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(San Jose Division)**

CHARLES N. PEREZ.

Plaintiff,

v.

EMERGENCY HOUSING  
CONSORTIUM, a California not for profit  
corporation, EHC LIFEBUILDERS, and  
MONTEREY TERRACE APARTMENTS,

Defendants.

Case No.: C07-05690 PVT

**DECLARATION OF CHARLES N.  
PEREZ IN SUPPORT OF PLAINTIFF  
CHARLES N. PEREZ'S EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND AN  
ORDER TO SHOW CAUSE RE  
PRELIMINARY INJUNCTION TO  
ENJOIN DEFENDANTS FROM  
EVICTING PLAINTIFF.**

Hearing Date: November 28, 2007 or as  
soon as this matter may be heard

Time: 9:00 a.m., or as soon as this matter  
may be heard

Courtroom: 5

Judge: Magistrate Judge Patricia Trumbull

I Charles N. Perez. declare:

1. I am the plaintiff in the above-captioned action. I have personal knowledge of the  
facts contained in this declaration and could competently testify to the same in a court of law.

1           2.     I am currently a tenant at Markham Terrace Apartments, located at 2112 Monterey  
2 Road, San Jose, California. I have been a tenant at Markham Terrace since December 2005.

3           3.     I currently receive Supplemental Security Income in the amount of \$830 each month.  
4 I receive a subsidy from the Housing Authority of Santa Clara County to reside at Markham  
5 Terrace Apartments. My portion of the rent is only \$260 each month.

6           4.     I have numerous health related disabilities, including diabetes, end-stage kidney  
7 disease and chronic lung disease. I am also legally blind. I have a difficult time taking care of  
8 myself and meeting my basic needs without the assistance of a caregiver.

9           5.     In February 2007, my doctor advised me to obtain the assistance of an in-home  
10 caregiver. Therefore I advised Markham Terrace of my need for an in-home caregiver. Markham  
11 Terrace never responded to my request so I assumed that they agreed to my request.

12           6.     I obtained the services of my son, Jason, to act as my in-home caregiver. Jason was  
13 approved by Santa Clara County In-Home Supportive Services to provide me care. Therefore, I  
14 asked Jason to move in with me.

15           7.     On August 31, 2007, I received a 60-Day Notice to terminate my tenancy. The  
16 notice said that I had an unauthorized occupant living with me and that I was subletting my unit.

17           8.     On September 2, 2007, I sent a letter to EHC Lifebuilders disputing that I had  
18 violated my lease. I told them that I had a caregiver and that I had provided doctors' letters  
19 regarding my health conditions and that my son Jason was my in-home caregiver. EHC  
20 Lifebuilders did not respond to my letter.

21           9.     I received another 60-Day Notice on September 12, 2007. The 60-Day Notice  
22 expires on November 12, 2007 and I am afraid that I am going to be homeless if EHC Lifebuilders  
23 evicts me.

24           10.    On November 26, 2007, Defendants filed a state court unlawful detainer action  
25 against me alleging that I had breached my lease agreement by having an unauthorized occupant  
26 even though I had requested reasonable accommodation of my disabilities in the form of an in  
27 home caregiver.

11. If I am evicted, I will have no place to go. I cannot afford alternative housing since I have very little money and the waiting lists for subsidized housing units are often times more than one year long.

12. I do not understand why EHC wants to evict me. The threat of eviction has caused my great stress and anxiety.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 27, 2007 in San Jose, California.

Charles N. Perez

